



~~May 16, 2006 CPC~~  
~~June 20, 2006 CPC~~  
July 26, 2006 BS

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

05SN0238

Bracey, LLC

Clover Hill Magisterial District  
Southwest quadrant of Genito and Woolridge Roads

REQUEST: Rezoning from Agricultural (A) to Convenience Business (C-1).

PROPOSED LAND USE:

Commercial uses are planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND DENIAL.

STAFF RECOMMENDATION

Recommend denial for the following reasons:

- A. The proposed zoning and land uses do not conform to the Upper Swift Creek Plan which suggests the property is appropriate for single family residential use of 2.0 units per acre or less.
- B. The proposed zoning and land uses are not representative of and compatible with existing and anticipated area development.
- C. The proposal fails to provide for adequate transportation improvements as recommended by the Thoroughfare Plan. A component of the Comprehensive Plan, and as recommended to mitigate safety hazards for the traveling public.

- D. Proffered Conditions 6 and 7 are misleading because neither outside public address systems nor outdoor recreational uses are permitted in the Convenience Business (C-1) District and therefore should not be accepted.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

#### PROFFERED CONDITIONS

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax IDs 718-615-8949 (The "Property") under consideration will be developed according to the following conditions, if and only if, the rezoning request of C-1 is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
2. Utilities. The public water and wastewater systems shall be used. (U)
3. BMPs: On-site BMPs shall be used to mitigate the pollution from the site and achieve a performance standard of 0.22 pounds of phosphorus per acre per year, and any impact on wetlands will be mitigated within the USC watershed. Also, any required fee based on impervious acreage for implementation of the Upper Swift Creek Watershed Plan shall be paid based on the residential standard of two (2) units per acre or less when calculating impervious surface area. (EE)
4. Transportation.
  - (a) If not already achieved through previous Right of Way Acquisition in year 2000, forty-five (45) feet of right-of-way along the west side of Woolridge Road, and forty-five (45) feet of right-of-way along the south side of Genito Road, measured from the centerline of the road, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
  - (b) There shall be no vehicular access from the property to Genito Road. Direct vehicular access from the property to Woolridge Road shall be limited to one

(1) entrance/exit located towards the southern property line. This entrance/exit shall be limited to right turns in and right turns out only. The exact location of this entrance/exit shall be approved by the Transportation Department.

(c) Prior to the issuance of a certificate of occupancy, the developer shall:

- i. Construct a right turn lane at the entrance to the site.
  - ii. Construct a median or channelized entrance to the site to allow only right turns in and right turns out of the site.
  - iii. Dedicate, free and unrestricted, to and for the benefit of Chesterfield County, any additional right of way required for these improvements.
- (T)

5. Uses: Permitted uses shall be limited to the following:

Restaurants, not including fast food or carry-out restaurants. (P)

6. Outside public address systems or speakers shall not be used. (P)

7. There shall be no public boat access to Swift Creek Reservoir from the property. (P)

#### GENERAL INFORMATION

##### Location:

Southwest quadrant of the intersection of Genito and Woolridge Roads. Tax ID 718-685-8949 (Sheet 9).

##### Existing Zoning:

A

##### Size:

4.2 acres

##### Existing Land Use:

Vacant

##### Adjacent Zoning and Land Use:

North – R-9 with Conditional Use Planned Development; Single family residential  
South and West – A; Swift Creek Reservoir  
East - A and A with Special Exception; Single family residential and recreational

## UTILITIES

### Public Water System:

There is an existing sixteen (16) inch water line extending along Genito and Woolridge Roads, adjacent to this site. Use of the public water system is intended and has been proffered. (Proffered Condition 2)

### Public Wastewater System:

A sixty (60) inch wastewater trunk line extends along the north side of Genito Road, adjacent to this site. Use of the public wastewater system is intended and has been proffered. (Proffered Condition 2)

## ENVIRONMENTAL

### Drainage:

The property is adjacent to Swift Creek Reservoir and is therefore subject to a 100 foot conservation area, inside of which uses are limited. The property is also subject to the backwater from Woolridge Road. This backwater was calculated at an elevation of 183.5 during a study performed by Timmons Group for the County in the early 1990s. The property appears to be more than sixty (60) percent inundated by the 100 year backwater.

The property is heavily wooded and should not be timbered without first obtaining a land-disturbance permit from the Environmental Engineering Department (Proffer Condition 1). Due to the flatness of the area, no drainage or erosion problems are anticipated after development.

### Water Quality:

The property is located in the Upper Swift Creek Drainage Basin and is subject to a pro-rata fee for construction of regional best management practices (BMP). In addition, Proffered Condition 3 requires the use of on-site BMPs to mitigate pollution from the site and provides that required fees will be paid based on residential standards.

## PUBLIC FACILITIES

### Fire Service:

The Swift Creek Fire Station, Company Number 16, currently provides fire protection and emergency medical service. This request will have minimal impact fire and EMS.

### Transportation:

The applicant's proffered conditions do not fully address the traffic impact of this commercial development; therefore, the Transportation Department does not support this request. The applicant should proffer additional road improvements in accordance with the ultimate plans for this intersection, including an eastbound right turn lane on Genito Road at Woolridge Road, and an additional southbound lane and median on Woolridge Road.

The property is located in the southwest quadrant of the Woolridge Road/Genito Road intersection. Proffered Condition 5 limits the use on the property to a restaurant. A 10,000 square foot high-turnover restaurant could generate approximately 1,300 average daily trips. These vehicles would initially be distributed along Woolridge Road, which had a 2005 traffic count of 10,802 vehicles per day. Based on the volume of traffic it carried during peak hours, Woolridge Road was at capacity (Level of Service E). Some of this traffic will also travel along Genito Road, which had a 2005 traffic count of 4,937 vehicles per day. Genito Road is also at capacity during peak hours. (Level of Service E)

Woolridge Road and Genito Road are classified as major arterials on the county's Thoroughfare Plan with recommended right-of-way widths of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right-of-way along both these roads in accordance with that Plan. (Proffered Condition 4.a)

Access to major arterials should be controlled. The applicant has proffered that there will be no direct access to Genito Road (Proffered Condition 4.b). Because of the proximity to the signalized Woolridge Road/Genito Road intersection, direct vehicular access from the property to Woolridge Road should be limited to one (1) right-in/right-out entrance/exit located at the southern property line. The applicant has proffered that this will be accomplished through construction of a "channelized" entrance or a median along Woolridge Road (Proffered Condition 4.b.ii). Empirical evidence has shown that "channelized" entrances do not effectively restrict vehicular movements to right turns only; therefore, the applicant should modify this proffered condition to require construction of a median along Woolridge Road. If a raised median is not provided, the Woolridge Road/Genito Road intersection will be adversely affected. Turning movements, especially left turns, in the operational area of a signal can cause a safety hazard for the traveling public and degrade the level of service of an intersection.

A right turn lane should be constructed along Woolridge Road at the site access to facilitate entering right turns. The applicant has proffered to construct a right turn lane at the entrance to the site. (Proffered Condition 4.c.i)

As stated earlier, without a commitment for additional road improvements, the Transportation Department cannot support this request.

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for single family residential use of 2.0 units per acre or less. The Plan is currently under review for amendment. The draft Plan prepared by staff continues to recommend residential uses.

### Area Development Trends:

The area is characterized by residential development. Residential development is anticipated to continue in the area, as recommended by the Plan.

### Use Limitations:

Proffered Condition 5 restricts permitted use to restaurants, not including fast food and carry-out restaurants.

### Development Standards:

The request property currently lies within an Emerging Growth Area. The purpose of the Emerging Growth District Standards is to promote high quality, well-designed projects. Development of the site must conform to these development standards of the Zoning Ordinance which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

In addition to these standards, the C-1 District limits development to a maximum of 5,000 square feet per gross acre; buildings are limited to 5,000 gross square feet unless they are further than 200 feet from an existing or proposed residential district in which case the size can be increased to 8,000 gross square feet; buildings must have an architectural style compatible with the surrounding neighborhood; and hours of operation are limited to between 6 AM and 9 PM. As noted in the Environmental Section, approximately sixty (60) percent of the property is within floodplain; however, the C-1 standards would allow the floodplain area to be used to calculate the permissible project square footage. Given the environmental limitations coupled with setback requirements, the amount of developable area is restricted.

Proffered Conditions 6 and 7 prohibit outside public address systems or separate speakers and public boat access to Swift Creek Reservoir. These conditions are misleading because these uses are not permitted in a Convenience Business (C-1) District. Therefore, Proffered Conditions 6 and 7 should not be accepted.

## CONCLUSION

The proposed zoning and land uses do not conform to the Upper Swift Creek Plan which suggests the property is appropriate for single family residential use of 2.0 units per acre or less. In addition, the proposal fails to provide for transportation improvements to mitigate safety hazards and as recommended by the Thoroughfare Plan, a component of the Comprehensive Plan.

Proffered Conditions 6 and 7 should not be accepted because they are misleading relative to uses permitted in the Convenience Business (C-1) District.

Given this consideration, denial of this request is recommended.

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## CASE HISTORY

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Applicant (5/15/06):

A sixty (60) day deferral was requested to allow time to address transportation comments.

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Planning Commission Meeting (5/16/06):

While the applicant had requested a sixty (60) day deferral, the Commission expressed concerns that the applicant had failed to comply with the Commission's "Suggested Practices and Procedures" regarding the required time to provide notice that a deferral would be requested, therefore, numerous persons were present to be heard on the matter.

The person present representing the applicant, indicated that they were not in a position to present the case since they were not intimately familiar with the proposal as it was being managed by someone else in the firm.

Several persons spoke in opposition to the deferral and one person suggested a more lengthy deferral.

The applicant's representative then requested a thirty (30) day deferral.

Mr. Gulley requested that the person representing the case convey to the applicant the Commission's intent to act on the request in June.

At the request of the applicant, the Commission deferred this case to June 20, 2006.

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Staff (5/17/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than May 22, 2006, for consideration at the Commission's June 20, 2006, public hearing.

Also, the applicant was advised that a \$230.00 deferral fee must be paid prior to the Commission's public hearing.

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Staff (5/22/06):

To date, no new or revised information has been received, nor has the deferral fee been paid.

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Applicant (5/30/06):

The applicant paid the \$230.00 deferral fee.

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Applicant (5/31/06):

The applicant submitted revised and additional proffered conditions.

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Planning Commission Meeting (6/20/06):

The applicant did not accept the recommendation. There was support and opposition present. Concerns were expressed relative to overdevelopment of the property, traffic hazards and environmental impacts. Support was expressed for a restaurant in the area.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission recommended denial.

AYES: Unanimous.

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The Board of Supervisors, on Wednesday, July 26, 2006, beginning at 7:00 p.m., will take under consideration this request.



